

Notice of Allowability

Application No.

09/513,960

Examiner

Igor N. Borissov

Applicant(s)

PLOTKIN, JOEL FREDERIC

Art Unit

3628

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview Summary of 07/01/2009.
2. ☒ The allowed claim(s) is/are 33,36-45 and 58-73.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

Response to Amendment

Amendment received on 05/08/2009 is acknowledged and entered. Claims 2-32, 35 have been canceled. Claims 1, 33, 34, have been amended. New claims 36-57 have been added. Claims 1, 33, 34, 36-57 are currently pending in the application.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with an applicant's representatives Richard Neifeld (Reg. No.: 35299) and Suzanne Ziska (Reg. No.: 43371) on Wednesday, July 1, 2009.

The application has been amended as follows:

IN THE CLAIMS

1-32. (Canceled)

33. (Currently amended) A computer implemented manuscript review and determination process, comprising:

receiving at a central computer system, said computer system comprising a computer and a memory, manuscript data from a remote terminal associated with an

author, said manuscript data defining a complete manuscript including at least one of text data, audio data, and video data;

generating ~~at~~ by said central computer system a request to review prompt for prompting a potential reviewer for agreement to review said manuscript;

transmitting said request to review prompt to a remote terminal associated with said potential reviewer;

storing in a database controlled by said central computer system agreement data received from said potential reviewer at said central computer system, said agreement data including at least one of agreement to review and disagreement to review said manuscript; and

storing a decision whether to publish said manuscript;

further comprising storing at said central computer system different rights relating to a manuscript for users defined as author, editor, associate editor, and reviewer;

further comprising configuring said central computer ~~wherein~~ system so that a user defined as an author of said manuscript has rights to get status information relating to said manuscript,

a user defined as an editor has rights to assign associate editors to said manuscript, assign reviewers to said manuscript, view, authorize publication, and get status information for said manuscript,

a user defined as an associate editor for said manuscript has rights to assign reviewers to said manuscript, view, authorize publication, and get status information for

said manuscript and does not have rights to assign additional associate editors to said manuscript,

a user defined as a reviewer of a manuscript has rights to indicate whether said manuscript should be published, and get status information on said manuscript.

34. (Canceled)

35. (Canceled)

36. (Currently amended) The computer implemented method according to claim [[1]] 33, further comprising:

receiving, at said central computer system agreement data indicating that said potential reviewer, ~~from a remote terminal, an indication from said first reviewer that said first reviewer declines to review said first manuscript; and~~

transmitting, automatically in response to receipt of said agreement data indicating that said potential reviewer declines to review said manuscript ~~said indication from said first reviewer~~, from said central computer system, over said an electronic communications network, to an address associated with another user ~~one of said set of users~~, a signal prompting said another user ~~one of said set of users~~ to review said first manuscript.

37. (Currently amended) The computer implemented method according to claim [[1]] 33, further comprising said central computer system storing at least one date on which either a reviewer is assigned and change in status data for said ~~first~~ manuscript ~~changes~~.

38. (Currently amended) The computer implemented method according to claim [[1]] 33, further comprising said central computer system storing a date on which said central computer system at least one of receives said ~~first~~ manuscript, prompts a reviewer, and receives agreement data to review said manuscript ~~from said first reviewer~~.

39 (Currently amended) The computer implemented method according to claim [[1]] 33, further comprising one of said ~~first~~ reviewer and said ~~first~~ associate editor viewing said manuscript on a monitor of a remote terminal.

40. (Currently amended) The computer implemented method according to claim 33 [1], further comprising said ~~first~~ reviewer transmitting from a remote terminal via ~~said~~ an electronic communications network to said central computer system a recommendation whether to publish said ~~first~~ manuscript.

41. (Currently amended) The computer implemented method according to claim [[1]] 33, further comprising said ~~first~~ associated editor transmitting from a

remote terminal via ~~said~~ an electronic communications network to said central computer system a decision to publish said ~~first~~ manuscript.

42. (Currently amended) The computer implemented method according to claim [[1]] 33, further comprising said editor transmitting from a remote terminal via ~~said~~ an electronic communications network to said central computer system ~~said~~ a final decision whether to publish said ~~first~~ manuscript.

43. (Currently amended) The computer implemented method according to claim [[1]] 33, wherein said central computer system is programmed with [[w]]Web server software such that it responds to prompts transmitted to it from ~~prompts from~~ users using Web browsers ~~from said set of user transmitted to it~~.

44. (Currently amended) The computer implemented method according to claim [[1]] 33, wherein said central computer system comprises ~~database is a~~ relational database program.

45. (Currently amended) The computer implemented method according to claim [[1]] 33, wherein said database is in a format useable by a version of Access, SQL Server, Sybase, and Oracle.

46-57. (Canceled)

58. (New) The method of claim 33 further comprising:
configuring said central computer system so that:
a user defined as an author has rights to submit and view said manuscript; and
a user defined as an associate editor of said manuscript has right to deny
publication of said manuscript.

59. (New) The method of claim 33 further comprising:
configuring said central computer system so that:
a user defined as an associate editor of said manuscript has no right to
associate with another user roll of associate editor of said manuscript;
a user defined as reviewer of said manuscript has no right to associate any roll
with any other user;
a user defined as said author of said manuscript has no right to associate any
role with any other user; and
a user defined as said associate editor of said manuscript has no right to
associate with another user roll of editor of said manuscript.

60. (New) A system for performing a computer implemented manuscript
review and determination process, said system comprising:
a central computer system comprising:
a central processing unit; and

memory,

wherein said central computer system is configured for:

receiving manuscript data from a remote terminal associated with an author, said manuscript data defining a complete manuscript including at least one of text data, audio data, and video data;

generating a request to review prompt for prompting a potential reviewer for agreement to review said manuscript;

transmitting said request to review prompt to a remote terminal associated with said potential reviewer;

storing in a database in said memory agreement data received by said central computer system said potential reviewer, said agreement data including at least one of agreement to review and disagreement to review said manuscript;

storing a decision whether to publish said manuscript; and

storing different rights relating to a manuscript for users defined as author, editor, associate editor, and reviewer, so that:

a user defined as an author of said manuscript has rights to get status information relating to said manuscript;

a user defined as an editor has rights to assign associate editors to said manuscript, assign reviewers to said manuscript, view, authorize publication, and get status information for said manuscript;

a user defined as an associate editor for said manuscript has rights to assign reviewers to said manuscript, view, authorize publication, and get status information for said manuscript and does not have rights to assign additional associate editors to said manuscript; and

a user defined as a reviewer of a manuscript has rights to indicate whether said manuscript should be published, and get status information on said manuscript.

61. (New) The system of claim 60, wherein said central computer system is further configured for:

receiving agreement data indicating that said potential reviewer declines to review said manuscript; and

transmitting, automatically in response to receipt of said agreement data indicating that said potential reviewer declines to review said manuscript, over an electronic communications network, to an address associated with another user, a signal prompting said another user to review said manuscript.

62. (New) The system of claim 60, wherein said central computer system is further configured for:

storing at least one date on which either a reviewer is assigned and change in status data for said manuscript.

63. (New) The system of claim 60, wherein said central computer system is further configured for:

storing a date on which said central computer system at least one of receives said manuscript, prompts a reviewer, and receives agreement data to review said manuscript.

64. (New) The system of claim 60, further comprising:
at least one of a monitor or a remote terminal on which one of said reviewer and said associate editor can view said manuscript.

65. (New) The system of claim 60, further comprising:
a remote terminal from which said reviewer can transmit via an electronic communications network to said central computer system a recommendation whether to publish said manuscript.

66. (New) The system of claim 60, further comprising:
a remote terminal from which said associate editor can transmit via an electronic communications network to said central computer system a decision to publish said manuscript.

67. (New) The system of claim 60 further comprising:

a remote terminal from which said editor can transmit via an electronic communications network to said central computer system a final decision whether to publish said manuscript.

68. (New) The system of claim 60, wherein said central computer system is programmed with Web server software such that it responds to prompts transmitted to it from users using Web browsers.

69. (New) The system of claim 60, wherein said central computer system comprises a relational database program.

70. (New) The system of claim 60, wherein said database is in a format useable by a version of Access, SQL Server, Sybase, and Oracle.

71. (New) The method of claim 60, wherein said central computer system is configured so that:

a user defined as an author has rights to submit and view said manuscript;

and

a user defined as an associate editor of said manuscript has right to deny publication of said manuscript.

72. (New) The method of claim 60, wherein said central computer system is configured so that:

a user defined as an associate editor of said manuscript has no right to associate with another user roll of associate editor of said manuscript;

a user defined as reviewer of said manuscript has no right to associate any roll with any other user;

a user defined as said author of said manuscript has no right to associate any role with any other user; and

a user defined as said associate editor of said manuscript has no right to associate with another user roll of editor of said manuscript.

73. (New) A computer readable medium comprising computer readable instructions embedded therein which, when executed by a central computer system, said system comprising a central processing unit and a memory, causing said central computer system to perform a method for manuscript review, comprising:

receiving at said central computer manuscript data from a remote terminal associated with an author, said manuscript data defining a complete manuscript including at least one of text data, audio data, and video data;

generating at said central computer system a request to review prompt for prompting a potential reviewer for agreement to review said manuscript;

transmitting said request to review prompt to a remote terminal associated with said potential reviewer;

storing in a database controlled by said central computer system agreement data received from said potential reviewer at said central computer system, said agreement data including at least one of agreement to review and disagreement to review said manuscript; and

storing a decision whether to publish said manuscript;

further comprising storing at said central computer system different rights relating to a manuscript for users defined as author, editor, associate editor, and reviewer;

further comprising configuring said central computer system so that:

a user defined as an author of said manuscript has rights to get status information relating to said manuscript;

a user defined as an editor has rights to assign associate editors to said manuscript, assign reviewers to said manuscript, view, authorize publication, and get status information for said manuscript;

a user defined as an associate editor for said manuscript has rights to assign reviewers to said manuscript, view, authorize publication, and get status information for said manuscript and does not have rights to assign additional associate editors to said manuscript; and

a user defined as a reviewer of a manuscript has rights to indicate whether said manuscript should be published, and get status information on said manuscript.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

The current case was decided by the BPAI on 03/12/2009, as following:

The decision of the Examiner to reject claims 1, 2, 4-12, 14-32 and 34 is AFFIRMED and the decision to reject claim 33 is REVERSED.

Under 37 C.F.R. § 41.50(b) a new ground of rejection has been entered as to claim 1 under 35 U.S.C. § 101.

In accordance with 37 CFR § 41.50(b), the Appellant placed claim 33 in independent form, and amended claim 1 to overcome the rejection under 35 U.S.C. § 101 and to introduce the limitations of claim 33. New claims 36-57 have been added.

The examiner's amendment introduces changes to the claims as following:

Claims 1-32, 34, 35, 46-47 have been cancelled. Claims 33, 36-45 have been amended. New claims 58-73, including the limitations of claim 33, have been added.

Accordingly, claims 33, 36-45, 58-73 are allowed in accordance with 37 CFR 1.570.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/
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